



MELTZER LIPPE GOLDSTEIN & BREITSTONE, LLP
190 Willis Avenue, Mineola, NY 11501 • T. 516.747.0300
www.meltzerlippe.com

Christopher P. Hampton, Esq.
Writer's Direct Dial: (516) 747-0300 x 153
Writer's Facsimile: (516) 237-2893
Email: champton@meltzerlippe.com

December 10, 2019

VIA ECF

and Email <Failla_NYSDChambers@nysd.uscourts.gov>

Honorable Katherine Polk Failla
United States District Court
Southern District New York
40 Foley Square, Room 2103
New York, NY 10007

Re: *Shillingford v. Astra Home Care, Inc. et al.*
Docket No. 1:16-CV-06785 (KPF)
MLGB File No. 13066-00060

Dear Judge Failla:

This firm represents Defendants in the above-referenced matter, and we write jointly with Mr. Rand, counsel for Named Plaintiff and all Opt-in Plaintiffs except Ms. Erica Jacob-Spencer, to respectfully request the Court adjourn the time by which the parties must file a fully executed stipulation of partial dismissal (the "Stipulation"), as provided-for in the Court's Order dated December 4, 2019 (Docket Entry 109).

In this regard, the parties respectfully note the approved settlement agreement in this matter (the "Agreement") (Docket Entry 107-1) provides the Opt-In Plaintiffs with Notice of settlement and an opportunity to opt out of same. See the Agreement, ¶¶ 1(e) – 1(h). As such, the parties will not be able to accurately inform the Court as to which Opt-In Plaintiffs should be "included" in the Stipulation until after the Opt-out period has expired and it is determined which Opt-in Plaintiffs have elected to remain part of the instant settlement. The parties expect to deliver Notice by or before December 18, 2019, and therefore estimate the Opt-out period will expire on or about January 6, 2020.

Thus the parties respectfully request that the time by which they must submit the Stipulation be adjourned to January 17, 2020. Pursuant to your Honor's Individual Rules of Practice in Civil Cases, Rule 2(E): (1) there is no set original due date for submission of the Stipulation (see Docket Entry 109); (2) this is the first request for an adjournment or extension of time; (3) since there have been no previous requests, the Court has neither granted nor denied same; (4) the parties require the additional time to accurately determine which Opt-in

Honorable Katherine Polk Failla
United States District Court
Southern District New York
Page 2

Plaintiffs will (not) opt-out of the instant settlement and finalize the stipulation accordingly; and (5) Plaintiff consents to and joins in this request.

Further, the parties also note the granting of this request will affect no other deadlines currently pending herein. We sincerely thank the Court for its attention to and assistance with this matter.

Respectfully submitted,

/s/

Christopher P. Hampton, Esq.

cc: All Counsel of Record (*via ECF*)

Application GRANTED.

Dated: December 10, 2019
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE